

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Cody Henderson,

Plaintiff,

v.

Village of New Holland, *et al.*,

Defendants.

Case No. 2:23-cv-3979

Judge Michael H. Watson


Magistrate Judge Deavers

**ORDER**

The Magistrate Judge recommends the Court dismiss with prejudice only Cody Henderson's ("Plaintiff") claims against Darnell Pate Jr. ("Defendant Pate"), due to Plaintiff's failure to file a proper Suggestion of Death. R&R, ECF No. 43. The Report and Recommendation ("R&R") notified Plaintiff of his right to object to the recommendation and warned Plaintiff that a failure to object would waive the right to de novo review by the Court as well as the right to appeal the Court's adoption of the R&R. *Id.* at 3–4. Plaintiff failed to timely object.

Accordingly, the Court **ADOPTS** the R&R without further review and **DISMISSES WITH PREJUDICE** Plaintiff's claims against Defendant Pate. The Clerk shall terminate ECF No. 43 and terminate Defendant Pate as a party to this case.

**IT IS SO ORDERED.**

  
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**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**